THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17600 of 2006

Dated:04.09.2006

Between:

N.Ankineedu Choudary and another.

…Petitioners

and

The Inspector General of Stamps and Registration and othes.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.17600 of 2006

ORDER:

The two petitioners approached the second respondent for disposing of the house property bearing House No.14-196 (new House No.7-110) situated in Padmavathipuram residential area in Tirupati Town. The second respondent allegedly refused to accept any sale deeds on the ground that the Administrative Officer of Sri Swamy Hathramji Mutt, Tirupati, requested not to register the said property. This is challenged in this Writ Petition.

Learned Counsel for the petitioners placed reliance on an unreported judgment of this Court in W.P.No.26770 of 2005, dated 11.07.2006. Learned Assistant Government Pleader for Revenue (General) submits that the second respondent refused registration as the Inspector General of Stamps and Registration issued memo bearing No.G1/12778/03, dated 26.04.2004, not to register the properties belonging to Sri Swamy Hathramji Mutt.

In the judgment cited hereinabove, this Court considered a similar question and found fault with the registering authority to refuse registration based on the circular issued by the Inspector General of Stamps and Registration. The relevant observations are as under.

Learned Assistant Government Pleader for Revenue (General) submits that as the second respondent herein

issued instructions to the first respondent not to register documents pertaining to the property of Sri Swamy Hathiramji Mutt, Tirupati, the registration was refused. The learned Government Pleader does not, however, dispute that Section 22 A of the Indian Registration Act, 1908 (the Registration Act, for brevity) has been declared as *ultra vires* by a Division Bench of this Court. This itself would show that the Memo dated 26-04-2004 which was presumably based on power of Government under Section 22 A of the Registration Act can no more be enforced.

In a recent unreported judgment of the Division Bench of this Court in W.P.Nos.14099 of 2003 and batch, dated 07.12.2005, following the judgment of the Supreme Court in **State of Rajasthan and others v. Basant Nahata**[1], Section 22 A of the registration Act has been invalidated. Therefore, notwithstanding the Memo dated 26.04.2004 issued by the Commissioner & Inspector General of Registration and Stamps, the first respondent is bound to consider the document presented by the petitioner and register the same unless and until there are other reasons for such refusal.

Following the same, this Writ Petition is disposed of. As and when the document is submitted by the petitioner before the second respondent, the same shall be accepted for the purpose of registration in accordance with law keeping in view that Section 22-A of the Registration Act, 1908, as applicable to the State of Andhra Pradesh has been invalidated by the Division Bench of this Court. No costs.

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(V.V.S.RAO, J)

04.09.2006
vs

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[1] 2005 AIR SCW 4456